

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

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Date: December 16, 2015

Judge: Hon. James Donato

Time: 15 Minutes

Case No. **C-15-03747-JD**

Case Name **In re Facebook Biometric Information Privacy Litigation**

Attorney(s) for Plaintiff(s): Joel H. Bernstein/Alexander Nguyen/Shawn A. Williams

Attorney(s) for Defendant(s): Lauren R. Goldman/John Nadolenco/Archis A. Parasharami

Deputy Clerk: Lisa R. Clark

Court Reporter: Kathy Sullivan

PROCEEDINGS

Case Management Conference - Held.

Motion to Dismiss - Held.

RESULT OF HEARING

The Court sets an evidentiary hearing for 2:00 p.m. on March 2, 2016 on the contract formation and enforceability fact disputes discussed at the hearing. Each side should file a hearing brief not to exceed 12 pages by February 24, 2016 that outlines the facts it expects to show at the hearing and any applicable law based on those facts that it would like the Court to consider. The Court envisions this brief to be akin to a trial brief, if that helps guide the parties. The parties do not need to respond to the opposing side's pre-hearing brief.

Immediately after the evidentiary hearing, the Court will hold argument on the California choice of law issue that has already been briefed in the motion to dismiss. No additional briefing on this issue is permitted at this time.

The parties are directed to work together as much as possible to provide discovery reasonably related to the hearing. Counsel should not stand on FRCP time lines but should expedite document production and any necessary depositions to meet the March 2 hearing date. The parties are advised to refer to the Court's standing order on civil discovery for prompt resolution of any sticking points.